

Executive Summary – Ann Huynh, RMT January 31, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on January 31, 2013

Allegations of Professional Misconduct and Plea

Ms. Huynh entered a guilty plea in relation to the following allegations:

- falsified a record;
- signed or issued false documents;
- engaged in disgraceful, dishonourable or unprofessional conduct

The Facts

The College and Ms. Huynh signed an Agreed Statement of Facts, and presented it to the Panel. The following is a summary of those facts.

The College received information regarding three related spas in Brampton, Ontario wherein it was alleged the Operator of the facilities was billing non-massage therapy treatments as massage therapy, using the registration number of a registered massage therapist. A College Investigator attended one of the spas and was advised by the Operator that a Registrant with the College would provide a receipt for massage therapy in respect of non-massage therapy spa treatments. The investigator received a massage therapy treatment from a female named “Lee” or “Jackie”, following which she received a signed receipt for “massage treatment (60 min)” bearing the name and registration of Ms. Huynh.

A further College investigator was appointed and met with Ms. Huynh at which time she confirmed the female in question was an employee who provided various spa services, including relaxation massages. Ms. Huynh further confirmed that it was her signature on the receipt provided to the College Investigator. Ms. Huynh admitted to providing a signed receipt for massage therapy treatment to a College Investigator, whom she did not treat and that she was paid on a 50/50 basis for providing the signed receipt.

Decision of the Panel, Penalty and Cost Imposed

The Panel accepted Ms. Huynh’s plea and found her guilty of professional misconduct in relation to each allegation.

The Panel accepted a Joint Penalty Submission and imposed the following penalty:

1. The Registrar shall suspend Ms. Huynh’s Certificate of Registration for a period of eight months effective February 15, 2013, however, such suspension shall be remitted by three months in the event that Ms. Huynh completes term within four (4) months of this decision.
2. Ms. Huynh undertakes not to practise during the period of her suspension.

3. The Registrar shall impose the following terms on Ms. Huynh's Certificate of Registration;
 - a. The member shall enroll in and successfully complete within four months of the Panel's order becoming final, a registrar-approved Professionalism workshop, at her expense and provide satisfactory evidence of her successful completion within thirty days of completing the same.
4. Within one year of Ms. Huynh's resumption to practice, she shall submit to an inspection of her practice, at her own expense. The cost of the inspection shall not exceed \$275.
5. Ms. Huynh shall contribute to the investigation and prosecution costs of the college in the amount of \$1,200 to be paid in six equal monthly installments, commencing February 1, 2013 with subsequent payments to be made by the first day of the month.
6. Ms. Huynh shall receive a public and recorded reprimand.

Publication of the Discipline Committee's decision in the usual course. The College may publish, may also at the discretion of the Registrar, details of the Member's failure to comply with all or part of the terms of the Penalty imposed.

Panel's Reasons for Decision

The Panel noted Ms. Huynh's conduct put into question client safety by permitting unlicensed individuals to hold themselves out as qualified to provide massage therapy as the public expects certain standards of care when they go to a RMT . Additionally, the Panel noted that Ms. Huynh's behaviour damages the reputation of the profession and for these reasons they imposed a significant suspension of Ms. Huynh's registration to send a strong message to Ms. Huynh as well as the profession as a whole that such conduct will result in harsh penalties.

The Panel noted that the course work and practice inspection were also important aspects of the penalty as they will serve to rehabilitate Ms. Huynh and offer some professional growth as she works towards re-entering the profession.

In relation to the Cost Award imposed the Panel was of the view it was appropriate in this case to order contribution to some of the College's costs given that the matter necessitated an investigation and subsequent Discipline Hearing.